From: Adrian Verwolf
To: Microsoft ATR
Date: 11/22/01 1:52pm
Subject: Proposed settlement

To Whom it may concern:

The leeway engineered into this settlement agreement is transparent and disturbing. Aside from its general inadequacy in addressing the bases of the expensive and hard-fought case that the DOJ successfully presented against Microsoft, the definitional vagueness will allow even greater abuses than in the past. Microsoft will be unhindered in synthesizing and applying its own definitions to inherently fuzzy and rapidly evolving technologies.

As a single glaring example of the malleability of the terms of this settlement, refer to section III, J, 2 (b); therein Microsoft is essentially given license to restrict its own cooperation in sharing information on the basis that such information is not for a legitimate business purpose. Microsoft could clearly argue that certain open-source development groups had no such purpose in spite of the fact that such development efforts are clearly in the best interest of the American people.

To clarify: the open source Samba service, reverse-engineered to interoperate with MS client PCs and servers, outperforms Windows 2000 Server file services in a number of scenarios. Samba is clearly a useful product, available for little or no cost, the development of which may have had no "legitimate business purpose" under the terms of this settlement. Thousands of organizations rely on Samba to host proprietary Microsoft file services, despite the fact that Microsoft developed the protocol and offered no assistance to Samba developers. The long and short is this: Microsoft would prefer that Samba didn't exist, and is given license under this settlement to make such competing technologies unavailable by leveraging the power of a huge base of installed computers and MS software against

such
encroachment.

The solution to this specific issue is to require Microsoft to reveal
all
proprietary communication protocols to all interested organizations.
The
exceptions listed in the settlement (security, native server comm,
encryption, etc.) are constructed solely for the benefit of Microsoft.
The
open source community, for example, has developed stable, highly secure
protocols whose sources are available for perusal by virtually anyone.
In
fact, full disclosure is in the public interest because it inherently
promotes system interoperability, robustness, and security.

The above example is not in any way meant to be comprehensive; rather,
it
intends to be illustrative of the flawed construction of the proposed
settlement in a single context, and how it might be effectively
remedied.

As a resident of Seattle and an advanced user of Microsoft consumer and
commercial products, I want the company to succeed for a variety of
fairly
obvious reasons. However, this shouldn't be attained by the
application of
anticompetitive business practices that the DOJ has already proven to
exist.
Excellent alternative technologies should be encouraged by any
settlement;
this proposal fails utterly to allow such advances to develop in a
competitive, fair environment.

I use Apple products extensively in addition to Wintel systems, and am
rapidly expanding my use of UNIX-based and open source software. In
the
real world, there is a need for each platform; this settlement
undermines
the potential for best aspects of each to emerge in ways that benefit
people, businesses, and organizations.

Sincerely,
Adrian Verwolf
